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STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY  
  
IN THE MATTER OF:  
CITY WATER, LIGHT AND POWER  
  
RENEWAL OF  
  
NPDES PERMIT NO. IL0024767

Public Hearing held, on April 28, 2015, at  
the Southeast High School, 2350 East Ash Street,  
Springfield, Illinois 62703, scheduled for the  
hour of 6:00 P.M.

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1 A P P E A R A N C E S

2 HEARING OFFICER:

3 Dean Studer

Illinois Environmental Protection Agency

4 1021 North Grand Avenue East

Springfield, Illinois 627794-9276

5 217.558.8280

dean.studer@illinois.gov

6

7 IEPA PANEL MEMBERS:

8 Robert G. Mosher, Water Quality

Standards Unit

9

Carl E. Kamp, Groundwater Section

10

Shu-Mei Tsai, Industrial Unit,

11 Permit Section

12 Joanne Olson, Assistant Counsel

13

14

15

16

17

18

19 Court Reporter:

Robin A. Enstrom, RPR, CSR

20 Illinois CSR #084-002046

21 Midwest Litigation Services

15 S. Old State Capitol Plaza

22 Springfield, Illinois 62701

217.522.2211

23 800.280.3376

24

1 (Hearing began at 6:02 P.M.)

2 HEARING OFFICER STUDER: Good  
3 evening. For those of you that are on the  
4 outside, if you would make your way in and have a  
5 seat, we're going to begin here.

6 My name is Dean Studer, and I'm the  
7 Hearing Officer for the Illinois Environmental  
8 Protection Agency. On behalf of Director Lisa  
9 Bonnett, I welcome you to tonight's hearing. My  
10 purpose tonight is to ensure that this proceeding  
11 runs efficiently and according to rules.

12 This is an informational hearing  
13 before the Illinois EPA in the matter of the  
14 renewal of the National Pollutant Discharge  
15 Elimination System, otherwise referred to as  
16 NPDES, permit for the City of Springfield, City  
17 Water, Light and Power, CWLP, power station. The  
18 Illinois EPA has made a preliminary determination  
19 that this project meets the requirements for  
20 obtaining a permit and has prepared a draft  
21 reissued permit for review.

22 The authority for the Illinois EPA to  
23 reissue this permit is contained in Section 39 of  
24 the Illinois Environmental Protection Act, 415

1 ILCS 5/39. In pertinent part, this section  
2 reads: "It shall be the duty of the Agency to  
3 issue such a permit upon proof by the applicant  
4 that the facility, equipment, vehicle, vessel, or  
5 aircraft will not cause a violation of this Act  
6 or of regulations hereunder."

7 The decision by the Agency in this  
8 matter will be based upon the technical merits of  
9 the application as it relates to compliance with  
10 this statute and regulations promulgated under  
11 it. The Agency decision will not be based on how  
12 many people desire for the permit to be issued or  
13 how many people desire for the permit not to be  
14 issued but rather on compliance with applicable  
15 laws and regulations.

16 Can everyone in the back hear me?  
17 Yeah. Okay. Let the record indicate "Yes."

18 Issues relevant to tonight's hearing  
19 include compliance with the requirements of the  
20 Clean Water Act and the rules set forth in 35  
21 Illinois Administrative Code, Subtitle C,  
22 potential impacts to receiving waters from the  
23 discharge, water quality in the receiving waters,  
24 and the anti-degradation analysis.

1 I also wish to point out that while  
2 this is a power station, issues dealing with air  
3 pollution and emissions are not the subject of  
4 this hearing. Issues involving air pollution,  
5 emissions control, and respiratory diseases will  
6 not be discussed during this hearing unless they  
7 have a direct bearing on the NPDES permit,  
8 wastewater control equipment, or some other  
9 aspect of water pollution control. If the  
10 subject matter of your comments begins to drift  
11 into these areas, I may interrupt you and ask  
12 that you proceed to your next relevant issue.  
13 This is a water permit hearing. This is not an  
14 air permit hearing. Let's keep the issues  
15 pertaining to the NPDES permit.

16 The Illinois EPA is holding this  
17 hearing for the purpose of accepting comments  
18 from the public on this draft water discharge  
19 permit. This public hearing is being held under  
20 the provisions of Illinois EPA's procedures for  
21 permit and closure plan hearings which can be  
22 found in 35 Illinois Administrative Code, Part  
23 166, Subpart A, and in accordance with the  
24 requirements of the Illinois Pollution Control

1 Board NPDES regulations found at 35 Illinois  
2 Administrative Code Sections 309.115 through  
3 309.119. Copies of these regulations are  
4 available at the Pollution Control Board site at  
5 www.ipcb.state.il.us, or if you do not have easy  
6 access to the web, you can contact me, and I can  
7 obtain a copy for you.

8 An informational hearing means  
9 exactly that -- this is strictly an informational  
10 hearing. It is an opportunity for you to provide  
11 information to the Illinois EPA concerning the  
12 permit. This is not a contested case hearing.

13 I'd like to explain how tonight's  
14 hearing is going to proceed. First, I will have  
15 the Illinois EPA panel introduce themselves and  
16 provide a sentence or two regarding their  
17 involvement in the permit review process. Then  
18 Shu-Mei Tsai will provide a brief statement  
19 regarding the permit. This will be followed by  
20 further instructions as to how statements and  
21 comments will be taken during this hearing and as  
22 to appropriate hearing during this con -- conduct  
23 during this hearing. Excuse me. Following these  
24 additional instructions, I will then allow the

1 public to speak.

2 If you have not completed a  
3 registration card at this point, please see Barb  
4 Lieberoff at the registration table, and she can  
5 provide one to you. You may indicate on the card  
6 that you would like to make oral comments  
7 tonight. Everyone completing a card legibly or  
8 providing their business card to Ms. Lieberoff at  
9 the registration table or submitting written  
10 comments during the comment period will be  
11 notified when the Illinois EPA reaches a final  
12 decision in this matter. A responsiveness  
13 summary will be made available at that time.

14 In the responsiveness summary the  
15 Illinois EPA will respond to all relevant and  
16 significant issues that were raised at this  
17 hearing or submitted to me prior to the close of  
18 the comment period. The comment period in this  
19 matter will close on May 29, 2015. I will accept  
20 written comments as long as they are postmarked  
21 in sufficient time so as they physically arrive  
22 at Illinois EPA headquarters no later than May  
23 29, 2015.

24 Illinois EPA is committed to



1 resolving outstanding issues and reaching a final  
2 decision in this matter in an expeditious manner.  
3 However, the actual decision date in this matter  
4 will depend upon a number of factors, including  
5 the number and substantive comments received and  
6 staffing considerations as well as other factors.

7 During tonight's hearing and  
8 throughout the comment period, relevant comments,  
9 documents, and data will be placed into the  
10 hearing record as exhibits. Please send all  
11 written documents or data to my attention at Dean  
12 Studer, Hearing Officer, regarding CWLP NPDES,  
13 Illinois EPA, 1021 North Grand Avenue East, P.O.  
14 Box 19276, Springfield, Illinois 62794-9276.  
15 This address is also listed on the public notice  
16 for this hearing tonight. Please reference CWLP  
17 NPDES or the NPDES number on your comments to  
18 help ensure that they become a part of this  
19 hearing record. The NPDES permit number for this  
20 facility is IL0024767.

21 In addition, e-mail comments will be  
22 accepted if sent to epa.publichearingcom --  
23 that's e-p-a-.p-u-b-l-i-c-h-e-a-r-i-n-g-c-o-m --  
24 @illinois.gov. E-mails originating on a

1 third-party server designed to submit comments of  
2 the same or nearly the same content from multiple  
3 users will not be accepted without prior approval  
4 of the Hearing Officer. E-mail comments are to  
5 be sent to epa.publichearingcom@illinois.gov, and  
6 they need to be received no later than May 29,  
7 2015, and, again, should specify CWLP NPDES or  
8 the NPDES number, which is IL0024767, in the  
9 subject line. E-mails are electronically sorted  
10 and distributed; so please make sure that the  
11 words in the subject line are spelled correctly.

12 Electronic comments filed during the  
13 normal agency business hours should get an  
14 automated reply for our server. I will also  
15 attempt to send a reply to e-mail comments within  
16 a few business days indicating the exhibit number  
17 assigned to the electronic submittal. If you do  
18 not receive such a reply, you may contact me, and  
19 I can provide that information to you.

20 I will now ask the Illinois EPA panel  
21 to introduce themselves and provide a sentence or  
22 two regarding their role in the permit review  
23 process. This will be followed by Shu-Mei Tsai  
24 giving brief opening remarks on the permit.

1 MR. MOSHER: Hi. My name is Bob  
2 Mosher, and I work in the water quality standards  
3 section at Illinois EPA, and I work with the  
4 permit writer to get water quality standards-  
5 based limits in permits.

6 MR. KAMP: My name is Carl Kamp, and  
7 I work for the groundwater section at the  
8 Illinois EPA. And my relationship is groundwater  
9 regulation compliance in relation to the ash  
10 impoundments.

11 MS. OLSON: Hi. My name is Joanne  
12 Olson. I'm assistant counsel at Illinois EPA,  
13 and I provide legal support to Bureau of Water in  
14 issuing NPDES permits.

15 MS. TSAI: Good evening. My name is  
16 Shu-Mei Tsai, permit writer for the permit  
17 section for industrial unit, and I'm going to  
18 give you --

19 HEARING OFFICER STUDER: Speak into  
20 the mic so they can hear you.

21 MS. TSAI: So I'm going to give you  
22 an opening statement today. CWLP, City Water,  
23 Light and Power generation station, located 3100  
24 Stevenson Drive, Illinois -- Springfield,

1 Illinois. The applicant operate an existing  
2 fossil-fuel steam electric generating facility  
3 with a total generating capacity of 618  
4 megawatts.

5 The facility consists two complexes:  
6 Lakeside and Dallman. But the Lakeside complex  
7 ceased operation in January 2009. The Dallman  
8 complex is still operating and consists four  
9 generating units. Dallman 1 and 2 are cyclone-  
10 fed coal-fired boiler with a combined generating  
11 nameplate capacity of 180.2 megawatts. Dallman  
12 3, a pulverized coal-fired boiler, with a  
13 generating nameplate capacity of 207.4 megawatts.  
14 And the Dallman 4 is a coal-fired boiler with a  
15 generating nameplate capacity of 230.1 megawatts.  
16 Dallman 1, 2, and 3 generating units are cooled  
17 using raw lake water on a once-through cooling  
18 system. Dallman 4 utilize a cooling tower.

19 This draft permit has been prepared  
20 for facility for 16 discharge points from the  
21 site into Lake Springfield and Sugar Creek. The  
22 waste stream consists of miscellaneous water and  
23 groundwater seepage, Dallman 1 and 2 condenser  
24 cooling water, parking lot stormwater runoff,

1 industrial treatment plant wastewater,  
2 non-chemical metal cleaning waste, ash pond  
3 discharge, Dallman coal pile runoff, Dallman 3  
4 condenser cooling water, Dallman plant intake  
5 screen backwash, stormwater runoff from west and  
6 east drainage ditches of Dallman and Unit 4  
7 roadways, ash pond discharge, stormwater runoff  
8 from landfill and ash pond area, and high service  
9 pump station emergency overflow.

10 HEARING OFFICER STUDER: Thank you,  
11 Shu-Mei.

12 While the issues raised tonight may  
13 indeed be heartfelt concerns to many of us in  
14 attendance, applause is not appropriate during  
15 the course of this hearing. On a similar note,  
16 booing, hissing, jeering are also not appropriate  
17 and will not be allowed this evening.

18 Secondly, statements made tonight are  
19 to relate to the issues involved with the  
20 reissuance of this permit. Specifically,  
21 statements and comments that are of a personal  
22 nature or reflect on the character or motive of a  
23 person or group of people are not appropriate in  
24 this hearing. If statements or comments begin to

1 drift into these areas, I may interrupt the  
2 person speaking and ask that they proceed to  
3 their next relevant issue.

4 As Hearing Officer, I intend to treat  
5 everyone here tonight in a respectful and  
6 professional manner. I ask that the public and  
7 members of the hearing panel do the same. If the  
8 conduct of persons attending this hearing should  
9 become unruly, I am authorized to adjourn this  
10 hearing should the actions warrant. In such a  
11 case, the Illinois EPA would still accept written  
12 comments through the close of the comment period.

13 Illinois EPA staff members will be  
14 responding to issues primarily for clarification  
15 purposes. We are here tonight primarily to  
16 listen to the environmental issues related to the  
17 NPDES permit. You may disagree with or object to  
18 some of the statements and comments made tonight,  
19 but this is a public hearing and everyone has a  
20 right to express their comments on this matter.

21 Again, written comments are given the  
22 same consideration as oral comments received  
23 during this hearing and may be submitted to  
24 Illinois EPA at any time within the public

1 comment period which, again, runs through May 29,  
2 2015. If you are submitting comments by U.S.  
3 mail or carrier mail, they need be mailed  
4 sufficiently early to arrive at Illinois EPA no  
5 later than May 29.

6 Although we will continue to accept  
7 comments through that date, tonight is the only  
8 time that we will accept oral comments. Any  
9 person who wishes to make an oral comment may do  
10 so as long as the statements are relevant to the  
11 issues at hand and time allows.

12 If you have lengthy comments, please  
13 consider giving only a summary of those comments  
14 during this hearing, and then you may submit  
15 comments in their entirety to me in writing  
16 before the close of the comment period, and I  
17 will ensure they are included in the hearing  
18 record as an exhibit. Please keep your comments  
19 relevant to the issues related to the water  
20 permit. If your comments fall outside the scope  
21 of this hearing, I may ask you to proceed to your  
22 next issue.

23 To ensure that we conduct this  
24 hearing in a timely fashion, I will impose a time

1 limit of six minutes per speaker. After going  
2 through the registration cards and giving an  
3 opportunity to speak to those that have so  
4 indicated, provided time permits, I may allow  
5 those who initially did not want to speak to do  
6 so. If time still permits, I may then allow  
7 those who initially ran out of time to continue  
8 to speak.

9 In the event that we cannot  
10 accommodate everyone who wishes to make oral  
11 comments this evening, you would be asked to  
12 submit your comments to us in writing. And,  
13 again, written comments are given the same weight  
14 as comments made orally at this hearing. I  
15 stress that we want to avoid unnecessary  
16 repetition. Once a point is made, it makes no  
17 difference if the point is made once or whether  
18 it is made 99 times. It will be considered on  
19 its weight, and it will be reflected only once in  
20 the responsiveness summary.

21 The final decision of the Illinois  
22 EPA will not be based on how many people support  
23 or oppose the issuance of this permit but rather  
24 upon the application and its supporting documents



1 indicating that the facility will comply with  
2 applicable laws and regulations.

3 We have a court reporter here who is  
4 taking a record of these proceedings for the  
5 purpose of us putting together our administrative  
6 record. Therefore, for her benefit, please keep  
7 the general background noise in the room to a  
8 minimum so that she can hear everything that is  
9 said. Illinois EPA will post the transcript for  
10 this hearing on our web page in the same general  
11 place where the hearing notice, draft permit, and  
12 other documents in this matter have been posted.  
13 This transcript will be posted as soon as  
14 practical after this hearing, and that is usually  
15 about three weeks after the hearing closes. The  
16 actual posting date will depend to a number of  
17 factors, including when I get the transcript back  
18 from the court reporter.

19 When it is your turn to speak, I will  
20 call your name. Please come forward and state  
21 your name for the record, along with any  
22 governmental body, organization, or association  
23 that you're representing. If you are not  
24 representing a governmental body and organization

1 or an association, you may simply indicate that  
2 you are a concerned citizen or member of the  
3 public. For the benefit of the court reporter, I  
4 ask that you spell your last name. If there are  
5 alternate spellings of your first name, you may  
6 also spell your first name. Once you spell your  
7 name, I will start timing you, and you will have  
8 six minutes to complete your comments.

9 I ask that while you are speaking  
10 that you direct your attention to the hearing  
11 panel and to the court reporter to ensure that an  
12 accurate record of your comments can be made.  
13 Prolonged dialogue with members of the hearing  
14 panel or with others here in attendance will not  
15 be permitted. Comments directed to members of  
16 the audience are also not allowed.

17 Again, I remind everyone that the  
18 focus of this hearing is the environmental issues  
19 associated with the NPDES permit.

20 Are there any questions regarding the  
21 procedures that will be used for this hearing  
22 this evening?

23 (No response.)

24 HEARING OFFICER STUDER: Okay. Let

1 the record indicate that no one raised their  
2 hand.

3 When I call your name, please come  
4 forward to the podium, state your name, and if  
5 you're representing an organization or  
6 association or government agency, please state  
7 so, and then if you would spell your last name  
8 for the record.

9 The first person is Christine Zeman.

10 Ms. Zeman will be followed by, it  
11 looks like, Hath Garner.

12 MS. ZEMAN: Hello. My name is  
13 Christine Zeman, Z-e-m-a-n, regulatory affairs  
14 director for CWLP.

15 HEARING OFFICER STUDER: Can everyone  
16 hear her?

17 (Yes's heard.)

18 HEARING OFFICER STUDER: Okay

19 MS. ZEMAN: Thank you.

20 We thank the Agency for the  
21 opportunity to address the hearing tonight on  
22 behalf of CWLP, and we appreciate too the efforts  
23 of the NPDES program staff to develop this draft  
24 renewed permit. The permit addresses compliance

1 with applicable regulations while incorporating  
2 terms specific to CWLP. My comment tonight is in  
3 addition to formal comments already filed with  
4 the Illinois EPA on this draft.

5 This draft renewal is just one  
6 example of CWLP's commitment to the environment.  
7 We are a not-for-profit utility -- municipal  
8 utility providing electric power and potable  
9 water to approximately 70,000 customers, the  
10 residents and commercial businesses of  
11 Springfield and surrounding areas. The costs of  
12 the potable water, electric generation, and our  
13 environmental controls are borne by our citizens,  
14 the ratepayers.

15 Lake Springfield is a valuable  
16 natural resource to the city, CWLP, and the  
17 Springfield community. It serves as the only  
18 potable water supply for Springfield and meets  
19 and exceeds the drinking water standards that  
20 apply to it, as the latest water quality report  
21 demonstrates, which I have here available  
22 tonight. Our water department works hard and has  
23 won awards for its watershed protection programs,  
24 including to minimize the impact of runoff from

1 non-source pollution, the farms that comprise our  
2 watershed.

3 Lake Springfield also serves as a  
4 cooling lake for our electric generation. Our  
5 electric department has had water pollution  
6 controls in place earlier than many other  
7 utilities to remove or minimize pollutants to the  
8 waters of Lake Springfield and Sugar Creek as  
9 well as to the air.

10 In 2009 CWLP began commercial  
11 operation of a new unit, Dallman Unit 4, allowing  
12 the retirement of our older, less clean Lakeside  
13 units, which again won accolades from engineering  
14 and environmental groups alike. Unit 4 was  
15 constructed with a dry ash handling system and  
16 has some of the most advanced pollution controls,  
17 including a tower -- excuse me -- a cooling tower  
18 that reduces the use of lake water and removes  
19 heat from Unit 4 exhaust which decreases the  
20 impact on lake organisms.

21 In early 2009 Hanson Engineers  
22 performed a mass balance analyses for outfall 004  
23 with Unit 4's scrubber blowdown added, a  
24 conservative calculation that didn't even include

1 the retiring Lakeside units, which CWLP deemed  
2 acceptable to and accepted by the Illinois EPA.  
3 And CWLP has several contracts in place for  
4 recycling of coal combustion materials into  
5 useful products, again, further minimizing its  
6 impact on the environment.

7 CWLP has been an important part of  
8 the Springfield community for decades now with  
9 over 600 employees. The projects have been  
10 important not only to local contractors but  
11 worldwide contractors as well. Lake Springfield  
12 provides valuable wildlife habitat and enjoyable  
13 outdoor recreation; so we recognize its  
14 importance in keeping it clean.

15 Again, we appreciate the opportunity  
16 here tonight to listen, and we will follow up  
17 with written comment to the Agency. The draft  
18 NPDES permit renewal or reissuance at issue here  
19 tonight is a necessary component of our  
20 commitment to the environment and especially to  
21 Lake Springfield -- to continue efficient  
22 operations that comply with applicable  
23 regulations.

24 Thank you.

1 HEARING OFFICER STUDER: Thank you.

2 And I will be providing the statement  
3 that Ms. Zeman read from as Exhibit 6 into the  
4 hearing record in this matter.

5 Next person is Hath Garner, and he'll  
6 be followed by Hayden Garner as well.

7 I also -- while he's coming to the  
8 mic, I also want to point out that we do have  
9 four people here. We do not have everyone here  
10 that is involved with every aspect of this  
11 permit. We will be attempting to respond to  
12 issues primarily for clarification purposes, but  
13 I do want to point out that, because policy  
14 questions involve multiple people within the  
15 Agency, we may not be able to address specific  
16 policy issues at this hearing tonight, but they  
17 would be provided with a written response in our  
18 responsiveness summary. Also, the responses that  
19 are given orally at this hearing are considered  
20 preliminary responses, and our final response  
21 will be in writing in the responsiveness summary.

22 Go ahead, Mr. Garner.

23 MR. GARNER: Thank you. My name is  
24 Heath Garner, G-a-r-n-e-r. I'm representing the

1 public as a concerned citizen.

2 My question -- well, I have multiple  
3 questions, but is the discharge water at the  
4 plant treated?

5 At what temperature is it discharged?

6 If it is treated, how?

7 Does the temperature of the discharge  
8 water affect bacterial growth in Lake Springfield  
9 or the Sugar Creek?

10 Will this be studied?

11 Does the temperature of the discharge  
12 water affect algae growth in Lake Springfield or  
13 Sugar Creek, and will that be studied?

14 HEARING OFFICER STUDER: Okay. We'll  
15 go back, and you want preliminary responses to  
16 those tonight?

17 MR. GARNER: Yes, sir. I appreciate  
18 that.

19 HEARING OFFICER STUDER: Okay. Yeah.  
20 When you give multiple questions like that, it's  
21 probably beneficial if you break them down rather  
22 than giving six or eight at one shot, but we'll  
23 go ahead and try and answer some of those off the  
24 bat.



1                   If I remember right, the first  
2           question was whether or not the water was -- that  
3           was discharged was treated.

4                   MR. GARNER: Yes, sir.

5                   HEARING OFFICER STUDER: And the  
6           second one had to do with what the temperature of  
7           that water is. I remember those two right off  
8           the bat.

9                   MR. GARNER: Yes, sir.

10                  MS. TSAI: Well, some of our  
11           wastewater have been treated before they  
12           discharge, but some of them are not. Like,  
13           stormwater runoff --

14                  COURT REPORTER: I'm sorry. I can't  
15           understand you. Stormwater runoff --

16                  MS. TSAI: Some stormwater runoff --  
17           they don't treat it before they discharge because  
18           just stormwater. But related to, like, a process  
19           wastewater, like, a ash pond water, they will  
20           treat it before they discharge that; so --

21                  HEARING OFFICER STUDER: Temperature.  
22           It varies.

23                  MS. TSAI: The temperature vary --

24                  COURT REPORTER: The temperature vary

1 what?

2 MS. TSAI: I'm sorry. Could you  
3 repeat the temperature question again?

4 MR. GARNER: At what temperature is  
5 the water discharged?

6 MS. TSAI: Well, CWLP got thermal  
7 relief grant by Illinois Board Control -- Control  
8 Board.

9 COURT REPORTER: I'm sorry. Can  
10 somebody interpret for her.

11 MR. MOSHER: Illinois Pollution  
12 Control Board.

13 MS. OLSON: She's saying that the --  
14 they have thermal relief granted by the Illinois  
15 Pollution Control Board.

16 MS. TSAI: So they already have, you  
17 know, the temperature relief from the Board  
18 already.

19 HEARING OFFICER STUDER: The question  
20 was at what temperature is it discharged?

21 MS. TSAI: Right now they have 99  
22 degree for not exceed 8 percent of hour and  
23 over -- I believe it's 107 temperature for 12  
24 months, but I have double-check with my file for

1       that.

2                   COURT REPORTER: Double-check what?

3                   MS. TSAI: I will double-check with  
4       answer -- the answer.

5                   MR. GARNER: If the water is treated,  
6       then how is it treated? Like, what chemicals  
7       would be used to clean the water?

8                   MS. TSAI: Well, they have their own  
9       treatment plant. So they will send water to the  
10      settling pond. Then go to the lagoon to let  
11      the -- you know, more settling, and they will  
12      send through the treatment plant and add, like, a  
13      polymer or lime, and they will discharge that.

14                  MR. GARNER: Thank you.

15                  Does the temperature of the discharge  
16      water affect the bacterial growth in Lake  
17      Springfield or Sugar Creek?

18                  MR. MOSHER: Well, to start out,  
19      Sugar Creek isn't getting a thermal effluent; so  
20      my answer would be no for Sugar Creek.

21                  For Lake Springfield, I don't know  
22      that there's ever been a study, but given heated  
23      water is being added to the lake, I would feel  
24      safe to say that bacteria growing in that water

1 would be different from an unaffected lake, but  
2 we'll look and see if there's any studies.  
3 Offhand, I don't know of any.

4 MR. GARNER: Thank you.

5 So my next question is similar to  
6 that. Would it affect the algae growth in that  
7 area?

8 MR. MOSHER: Again, I don't know of  
9 any studies. I do know that Lake Springfield  
10 suffers from excess algae, and we've noted that  
11 in our integrated water quality report and 303(d)  
12 list that we publish every two years. Lake  
13 Springfield has excess algae, and we believe  
14 that's caused by excess phosphorus, but that's  
15 pretty much a non-point issue coming from the  
16 farms in the lake's watershed.

17 How the heated water affects that  
18 algae, again, I just don't know of any studies.  
19 We'll take a look and see what's available and  
20 report in the responsiveness summary.

21 MR. GARNER: Thank you.

22 And if no studies are found, will a  
23 study be performed by CWLP or the IEPA in order  
24 to recognize this issue?

1 MR. MOSHER: I -- I would say not  
2 because most of the lakes in Illinois suffer from  
3 excess nutrients and have problems with algae or  
4 excess plant growth. And that's going to be true  
5 whether it's a power plant lake or not, and I  
6 don't -- I wouldn't see any value in doing such a  
7 study. Maybe if you see that value, you could  
8 provide us with a comment to that effect and  
9 state your reasoning why you think that study  
10 would be valuable.

11 MR. GARNER: Thank you.

12 I will come back on the next round.

13 HEARING OFFICER STUDER: Thank you,  
14 Heath. And I apologize for calling you Hath.

15 MR. GARNER: Not a problem.

16 HEARING OFFICER STUDER: I'm sorry.

17 Hayden Garner, and he'll be followed  
18 by Norman Brown.

19 MR. GARNER: Hello. My name is  
20 Hayden Garner, G-a-r-n-e-r.

21 Where exactly are the 17 points of  
22 pollution from the plant?

23 MR. MOSHER: You're probably  
24 referencing the outfalls that are regulated in

1 the permit?

2 MR. GARNER: (Nodded head up and  
3 down.)

4 MR. MOSHER: Did we distribute a copy  
5 of the permit? Is that available?

6 HEARING OFFICER STUDER: There are  
7 some available at the registration area.

8 MR. MOSHER: Okay. If you want to  
9 pick up a copy of the permit at the registration  
10 desk, there is a page toward the beginning which  
11 lists each outfall and what its receiving water  
12 is.

13 HEARING OFFICER STUDER: They're also  
14 available on the Internet for this proceeding as  
15 well. I think we brought a couple copies of it  
16 with us. So we do -- we may have -- still have  
17 some in the registration area.

18 MR. GARNER: Thank you.

19 Does the EPA double-check the numbers  
20 that are self-checked by CWLP?

21 MR. MOSHER: Yes, we do. We have a  
22 compliance assurance section. We don't have any  
23 representatives from that section here tonight,  
24 but they process the data submitted by CWLP and

1 check it for compliance with the permit limits  
2 and for really all kinds of things: did they  
3 sample the correct amount of times and the  
4 correct days of the month and so forth. Many  
5 things are checked by that section.

6 MR. GARNER: I'm also just curious.  
7 Do you know how often that would happen?

8 MR. MOSHER: CWLP, according to the  
9 NPDES permit, has to submit a monthly report of  
10 their monitoring data. So every month it comes  
11 in.

12 MR. GARNER: Thank you very much for  
13 your time.

14 HEARING OFFICER STUDER: Thank you.

15 Norman Brown, and he'll be followed  
16 by Wes King.

17 MR. BROWN: My name is Norman Brown,  
18 B-r-o-w-n. I am a long-time resident of the city  
19 of Springfield. My wife and I raised three  
20 children here, three sons, one of whom is still  
21 living here with his family.

22 I began my work life here in 1963  
23 when we moved here. I worked for Hanson  
24 Engineers for nine years and then left there to

1 form my own consulting engineering firm which  
2 provided structural engineering services on  
3 building projects.

4 I have two thoughts that I would like  
5 to leave with you: one relates to process, and  
6 the other is a substantive matter.

7 I understand that a lot of the  
8 sampling and testing that is done at CWLP is  
9 based on self-reporting on their part. I believe  
10 that kind of thing has some built-in flaws in it.

11 I recall that, when we were preparing  
12 specifications on building projects, whenever we  
13 could, we tried to make the sampling and testing  
14 be done in an independent manner so that the  
15 laboratory or the people doing the testing were  
16 not under the control and were not paid for by  
17 the people who would tend to be criticized if  
18 there were a failure in materials check or, in  
19 the case of CWLP, too many pollutants  
20 accumulating at various spots.

21 There are certainly many a time that  
22 I remember, when the testing was under the  
23 control of the people who would be criticized by  
24 a failure, it would be said, "Well, this was



1       probably bad sampling. So let's just throw this  
2       one out," and that sort of thing would not be  
3       likely to happen if the testing and sampling were  
4       done in a more independent way.

5               I think that that approach to the  
6       sampling would protect both parties because the  
7       party that might be subject to not meeting a  
8       requirement could say, "We had nothing to do with  
9       this. We did not fudge any samples because we  
10      were not in control of it." And the overseeing  
11      agency, you folks or anybody that you might hire  
12      to do that, could also say, "We've set things up  
13      so that the possibility of throwing out samples  
14      that really should be seen and reviewed cannot  
15      happen by this procedure."

16             The other matter that I'd like to  
17      speak of in a general way is how CWLP is letting  
18      breakages in legal requirements to extend on into  
19      the future before they have to be met. It seems  
20      to me that with these potentially health-damaging  
21      materials -- the heavy metals or other pollutants  
22      or arsenic or whatever it might be -- as this  
23      accumulates, sooner or later there are going to  
24      be some health effects seen from that. And it

1 would certainly be a case that, if some health  
2 studies were made along the pathways that these  
3 materials flow, it would be interesting to know  
4 if there are any health effects of that sort seen  
5 now.

6 So rather than kick the can down the  
7 road and let, you know, the next folks that come  
8 by solve this problem, I believe that we should  
9 address this with a real sense of urgency and not  
10 what seems to be a more casual look.

11 That was all that I had to say.

12 HEARING OFFICER STUDER: Thank you.

13 And Wes King will be next, and he'll  
14 be followed by Elizabeth Scrafford.

15 MR. KING: Good evening. Wes King.  
16 Last name K-i-n-g. Just thank you all for all  
17 your service to the State of Illinois and the  
18 public health and the environment for being here  
19 as part of this process.

20 And I just -- I'm a lifelong resident  
21 of Springfield, born and raised. I work here. I  
22 live here. I drink the water here in  
23 Springfield, but I also am an avid kayaker. I go  
24 kayaking and fishing with a number of my friends

1 on Lake Springfield as well as on the South Fork  
2 of the Sangamon River and on the Sangamon River.

3 And I also -- in my professional  
4 life, I am the director of an organization that  
5 advocates and represents the needs of small  
6 farmers who are engaged in sustainable  
7 agriculture throughout central Illinois, and I'm  
8 here expressing concerns in both of my lives:  
9 concerns as somebody here as a cit -- as a  
10 citizen of Springfield that drinks the water as  
11 well as somebody who uses it for recreational  
12 purposes.

13 And I just -- I think CWLP can do  
14 better, and I think the EPA, through their  
15 permitting process, can help us to do better in  
16 this community to protect our water quality,  
17 particularly the water we drink but also the  
18 groundwater. I'm concerned about the impact that  
19 the coal ash ponds might have on groundwater in  
20 the area and the impacts that might have on  
21 farmers and rural families that live and depend  
22 on that.

23 But, then, as somebody who fishes and  
24 kayaks on both -- on these impacted bodies of

1 water, I'm concerned about the wildlife, the  
2 aquatic life, but also concerned about the  
3 exposure I might have through that process as  
4 well as drinking the water.

5 And I just urge, through the permit  
6 process, to please consider stronger standards  
7 that create -- particularly around the permits  
8 and monitoring some of these potentially  
9 dangerous toxins that could be -- could leach  
10 into the water system or be discharged into the  
11 lake through the discharge system.

12 Thank you. Thanks a lot.

13 HEARING OFFICER STUDER: Thank you,  
14 Mr. King.

15 And as Ms. Scrafford is coming  
16 forward, John Williams will follow her.

17 MS. SCRAFFORD: Hi. My name is  
18 Elizabeth Scrafford, S-c-r-a-f-f-o-r-d. Thank  
19 you for this opportunity to testify.

20 I am an associate organizing  
21 representative with the Sierra Club's Beyond Coal  
22 campaign, working with our local members here in  
23 Illinois and in Springfield.

24 I am deeply concerned about the

1 effects that this City Water, Light and Power  
2 Dallman coal plant is having on the environment,  
3 the community, and the people around the  
4 facility. We are here today to urge the IEPA to  
5 use your professional judgment to require that  
6 the plant take measures to make -- to make sure  
7 that the toxic water pollution is not discharged  
8 from the facility into waters that over 150,000  
9 people rely on for their drinking water.

10 IEPA should also require CWLP to use  
11 the latest and best technologies to protect  
12 aquatic life in Lake Springfield from being  
13 harmed by the power plant's water intakes and  
14 discharges of hot water from its cooling system.

15 I'm particularly concerned about the  
16 4 to 10 million gallons of coal ash pond  
17 discharge that is released each day into Lake  
18 Springfield and Sugar Creek. I am pleased to see  
19 that the proposed permit limits the amount of  
20 mercury that can be discharged, but I'm concerned  
21 that other metals that are showing up in the  
22 groundwater around the pond may also be getting  
23 into the lake.

24 Lake Springfield is currently listed

1 as impaired due to high levels of total suspended  
2 solids, phosphorus, and aquatic algae. Sugar  
3 Creek is impaired due to boron pollution.

4 It is fundamentally a bad idea to  
5 have toxic and dangerous unlined coal ash ponds  
6 on the banks of Lake Springfield, and it is  
7 unacceptable to allow CWLP to continue to  
8 discharge high levels of boron in excess of its  
9 permit limits into these receiving waters. It is  
10 also unacceptable to further threaten the aquatic  
11 life that depends on already degraded habitat in  
12 Lake Springfield.

13 The plant withdraws water from the  
14 lake for the cooling of the boilers. The  
15 practice is damaging the lake in many ways, and  
16 IEPA should only issue a permit to this facility  
17 if it utilizes the best technology available for  
18 minimizing adverse environmental impact.

19 I hope that the IEPA will take this  
20 requirement seriously in issuing this water  
21 permit. Whether the hot water from the power  
22 plant causes significant ecological damage to  
23 Lake Springfield has not been reassessed in 37  
24 years. CWLP should not be given another three

1 years to provide this information.

2 I'm here to stand with the residents  
3 of Springfield to ask IEPA to use its best  
4 professional judgment as to the best technology  
5 available to address the thermal pollution from  
6 the plant and the fish kills due to impingement  
7 and entrainment caused by the once-through  
8 cooling plant. The BTA is closed-cycle cooling  
9 which would eliminate the thermal pollution and  
10 the fish kills.

11 IEPA should also require BAT to  
12 reduce the discharge of toxic metals from coal  
13 ash at the site to the maximum extent feasible  
14 down to elimination of discharge of the  
15 pollutants. Specifically, high boron discharges  
16 at the plant indicate that CWLP must do more to  
17 control this type of pollution. Coal pile runoff  
18 and dust could also be addressed by requiring  
19 coal being stored in silos.

20 Thank you for your time.

21 HEARING OFFICER STUDER: Thank you,  
22 Ms. Scrafford.

23 John Williams, and he'll be followed  
24 by Andrew Rehn.

1 MR. WILLIAMS: Hi. My name is John  
2 Williams. That's spelled W-i-l-l-i-a-m-s.

3 HEARING OFFICER STUDER: Can you in  
4 back hear?

5 UNIDENTIFIED: Yeah, a little bit.

6 HEARING OFFICER STUDER: Okay. Just  
7 try and -- yeah, you might want to just point the  
8 mic up a little bit might help you a little bit  
9 too.

10 MR. WILLIAMS: Now I'm testifying as  
11 a citizen of Springfield. I've been here more  
12 than 40 years. Came down here in 1973 to finish  
13 up my higher education. It's been in the last  
14 three years I've been fortunate to retire with  
15 good health. I'm reminded of that good health as  
16 a result of a couple of weeks helping deliver  
17 meals to less fortunate individuals. And I'm  
18 also fortunate being a senior athlete, and that  
19 gets me to tonight's topic.

20 I train and compete in Lake  
21 Springfield, and I probably drink more water than  
22 the average citizen in order to be sufficiently  
23 hydrated. But after looking into this issue  
24 recently, the question is am I fortunate to be,



1       you know, competing, practicing, and drinking,  
2       you know, water from Lake Springfield? And I  
3       think the answer at best is -- is unclear. Are  
4       toxic contaminants from the coal ash ponds, you  
5       know, getting into Lake Springfield and Sugar  
6       Creek?

7                     And I wonder, because of retirement  
8       and the free time I have, you know, perhaps I'm  
9       also, you know, voicing the opinions -- similar  
10      opinions of other people not able to be here  
11      because of a time crunch.

12                    You know, after looking into this,  
13      I'm -- I come away thinking that the deadlines  
14      that have been imposed on CWLP have been very  
15      lax, and I just urge the Illinois Environmental  
16      Protection Agency not to reissue a permit without  
17      establishing greater safeguards to ensure the  
18      health of Springfield citizens.

19                    Thank you.

20                    HEARING OFFICER STUDER: Thank you,  
21      Mr. Williams.

22                    And as Andrew Rehn is coming forward,  
23      he'll be followed by Tyler Rotche.

24                    MR. REHN: Good evening. My name is

1 Andrew Rehn. That's R-e-h-n. I work as a water  
2 resources engineer with Prairie Rivers Network.  
3 Thank you for the opportunity to provide comments  
4 regarding the draft modified NPDES permit for the  
5 discharge of wastewater and intermittent  
6 discharge of stormwater runoff from the Lakeside  
7 and Dallman power generating facilities --

8 COURT REPORTER: You need to slow  
9 down.

10 MR. REHN: -- into Lake Springfield  
11 and Sugar Creek in Sangamon County.

12 Prairie Rivers Network is the state  
13 affiliate of the National Wildlife Federation.  
14 It's a nonprofit organization that strives to  
15 protect the rivers, streams, and lakes of  
16 Illinois to promote the lasting health and beauty  
17 of watershed communities. Prairie Rivers Network  
18 has members that live in, draw their potable  
19 water and non-potable needs from, recreate  
20 within, and draw their employment and income from  
21 Lake Springfield, Sugar Creek, and the Sangamon  
22 River watersheds that would be adversely affected  
23 by discharge of pollutants that degrade water  
24 quality.

1                   My first set of questions is with  
2           regard to the noncompliance of the violations.  
3           So, first of all, was the order of compliance  
4           issued by the EPA to CWLP on March 26, 2014,  
5           resolved?

6                   MR. MOSHER: Given that there's no  
7           one here from our compliance section, we'll have  
8           to answer that in the responsiveness summary.

9                   MR. REHN: Okay. All right. Well,  
10          then, I'll just go through these --

11                   HEARING OFFICER STUDER: If you've  
12          got additional questions dealing with the  
13          compliance, you can read the question and that  
14          way they'll be in the record.

15                   MR. REHN: Yep. That's what I'm  
16          going to do.

17                   HEARING OFFICER STUDER: Yeah. And  
18          then we'll respond to them in writing in the  
19          responsiveness summary.

20                   MR. REHN: Sure.

21                   ECHO reports that CWLP has been in  
22          violation of the Clean Water Act for 12 of the  
23          past 13 quarters. This includes seven quarters  
24          of violation of boron from outfall 4, a pH

1 violation from outfall 4, an iron violation from  
2 outfall 5. Has any action been taken on these  
3 issues?

4 And, then, additionally, CWLP has  
5 been in violation for failing to develop an  
6 adequate water -- stormwater pollution prevention  
7 plan numerous times. Does CWLP currently have a  
8 stormwater pollution prevention plan? And how  
9 will the agency ensure that they create one?

10 MR. MOSHER: Shu-Mei can answer that  
11 question, I believe.

12 MS. TSAI: Yes. Currently, they do  
13 have the SWPPP for their permit. But a SWPPP is  
14 only for, you know, the stormwater, not they  
15 treat as processing water.

16 COURT REPORTER: Move the microphone  
17 up. SWPPP?

18 MS. TSAI: It's S-W-P-P-P. It's only  
19 for the discharge stormwater but not have limit.

20 MR. REHN: Is that why they're in  
21 violation?

22 MS. TSAI: I didn't know any  
23 violation about SWPPP. Yeah, I cannot answer you  
24 that, but you asked do they have SWPPP in the

1 permit. They do.

2 MS. REHN: Okay. Thank you.

3 My next set of questions is with  
4 regard to outfall 6. So outfall 6 is labeled as  
5 the ash pond discharge to Lake Springfield.  
6 Outfall 6 appears to be far away from the ash  
7 ponds on the map, but it receives ash pond  
8 discharge.

9 How is -- how is that the case? Is  
10 there an ash pond between the lake and the power  
11 plant or --

12 MS. TSAI: Well, according to their  
13 application, they discharge the ash pond waste  
14 stream. So I believe they must collect some --

15 MR. MOSHER: The main ash pond  
16 discharge is to Sugar Creek through outfall 004.  
17 We will look into exactly what comes out of 006  
18 and how often and how much when we get back to  
19 the office, and we'll report that in the  
20 responsiveness summary.

21 MR. REHN: Okay. I have a couple  
22 more questions to keep in mind when you look at  
23 that. Outfall 6 discharges into Lake  
24 Springfield, but boron is not -- it is a coal ash

1 discharge; yet boron is not being monitored. Is  
2 there a reason why?

3 MR. MOSHER: We'll get back to you  
4 with that.

5 MR. REHN: Okay. I'm going to --  
6 just one more question. The permit states that  
7 all of the water from outfall 6 is used by the  
8 intake structure that is on the lake there and  
9 brought back into the plant. How can you be sure  
10 that any of the discharge from outfall 6 is  
11 actually making it back into the plant and not  
12 being discharged into the lake?

13 MR. MOSHER: Okay. Good questions.  
14 We'll get with our people back at the office, and  
15 we'll tell you all about it in the responsiveness  
16 summary.

17 MR. REHN: Okay. Thank you.

18 I have quite a few more questions.  
19 Dean, how am I doing on time?

20 MR. MOSHER: Keep going.

21 MR. REHN: Let's see. Outfall  
22 estimates? So the outfall estimates seem to  
23 be -- looking through some of the documents, that  
24 the estimates are just based on the outfall

1 estimates that were listed in the previous  
2 draft -- estimates for flow rates, that is. So  
3 the daily average flow. So when is the last time  
4 that these daily average flows have actually been  
5 estimated?

6 HEARING OFFICER STUDER: For which  
7 outfalls?

8 MR. REHN: I guess any of them.  
9 Specifically 4 and 6, I guess, is what made me  
10 think of this question.

11 MR. MOSHER: Yeah. The flows from  
12 the outfalls are reported to us every month. So  
13 it shouldn't be hard to come up with really more  
14 than an estimate. We could come up with actual  
15 flows for a period of time. So I think that  
16 would probably be more useful to you, and we'll  
17 do that.

18 MR. REHN: Okay. Then I have another  
19 question about the anti-degradation analysis. So  
20 an anti-degradation analysis was not complete for  
21 the installation of Dallman 4. However,  
22 according to data from the Energy Information  
23 Administration, coal consumption has gone up by  
24 10 percent on average. Why was an

1 anti-degradation report not required?

2 MR. MOSHER: Anti-degradation is a  
3 water quality standard that deals with increases  
4 and loading of pollutants. And Christine Zeman  
5 commented somewhat on this in her talk. Dallman  
6 4 is designed to not have the same wastewaters as  
7 the other units at the site. So there aren't  
8 discharges to these outfalls resulting in  
9 increased loads of pollution. So we didn't have  
10 to do the anti-degradation.

11 MR. REHN: Well, I suppose that, if  
12 you bring another plant on line, I would expect,  
13 even if it is more energy -- or more  
14 environmentally friendly, it would still  
15 introduce more discharges.

16 MR. MOSHER: Well, it's got a dry ash  
17 coal handling system. So you're not putting ash  
18 into the ash pond.

19 MR. REHN: None of the ash goes in  
20 the ash pond?

21 MR. MOSHER: It's dry ash. So it's  
22 taken from the plant and put in a landfill or  
23 some beneficial use somewhere. It's not going  
24 into the ash pond.



1 MR. REHN: Okay. That's all my  
2 questions for now then.

3 HEARING OFFICER STUDER: Thank you,  
4 Mr. Rehn.

5 Tyler Rotche is coming forward.  
6 He'll be followed by Donald -- is it Hanrahan or  
7 Hanrahan?

8 MR. ROTCHE: Good evening. My name  
9 is Tyler Rotche. That's R-o-t-c-h-e. I work as  
10 a water policy specialist with Prairie Rivers  
11 Network. As Andrew mentioned, a number of our  
12 members live and recreate, draw water from, and  
13 draw their employment and income from the Lake  
14 Springfield, Sugar Creek, and Sangamon River  
15 watersheds and would stand to be adversely  
16 affected by water pollution in the area.

17 So a number of my questions mostly  
18 deal with coal ash on the site. My first  
19 question would be where -- do you know where the  
20 dry ash from unit 4 goes?

21 MS. TSAI: I have to go back to  
22 office and check in the file so I can answer you.  
23 I cannot answer you right now.

24 MR. ROTCHE: Okay. But that is

1 reported within the context of this permit?

2 MS. TSAI: The dry ash?

3 MR. ROTCHE: Yeah.

4 MS. OLSON: I'm sorry. What do you  
5 mean?

6 MR. ROTCHE: Would that -- would that  
7 be reported within the context of this permit, or  
8 would it just be in terms of whoever is accepting  
9 it?

10 MS. OLSON: What do you mean by  
11 "reported"?

12 MR. ROTCHE: A listing of the places  
13 that are accepting that ash, whether it's a  
14 landfill elsewhere or whether it's the Viper mine  
15 facility or --

16 MS. OLSON: I don't believe -- we'll  
17 have to go back and check, but I don't believe  
18 this discharge permit covers where coal ash is  
19 later sold or beneficially reused. That's  
20 outside the scope of this permit.

21 MR. ROTCHE: Okay. Another one of my  
22 questions deals with the status of a  
23 hydrogeologic assessment. So it's my  
24 understanding that, pursuant to the Illinois

1 EPA's ash impoundment strategy progress report, a  
2 hydrogeologic assessment for Dallman was received  
3 and has been reviewed by the Illinois EPA; and,  
4 moreover, it seems that CWLP has met with IEPA to  
5 discuss potential impacts to Sugar Creek and the  
6 potential for off-site movement of contaminants.  
7 I'm wondering if you could describe the status --  
8 the current status of this hydrogeologic  
9 assessment.

10 MR. KAMP: Presently, we're still  
11 reviewing that.

12 MR. ROTCHE: Okay. Do you have any  
13 idea of the timetable for that review?

14 MR. KAMP: No, I don't. Sorry.

15 MR. ROTCHE: Okay. Were there  
16 additional modifications requested after that  
17 original meeting with CWLP?

18 MR. KAMP: No.

19 MR. ROTCHE: Another one of my  
20 questions deals with special condition 21, which  
21 states that the permittee shall establish and  
22 maintain a groundwater monitoring program plan  
23 for the ash impoundment site subject to Agency  
24 review and approval. I'm wondering if you could

1 describe the applicant's current status in  
2 addressing this special condition. Or is that  
3 something that has not yet begun?

4 MR. KAMP: They have installed a  
5 number of wells. They've installed upgradient  
6 wells -- or one upgradient well, and they had two  
7 wells -- they had two wells that needed to be  
8 replaced, and they've monitored them. I haven't  
9 seen monitoring information for a little bit,  
10 though. But they have been monitoring them, as  
11 far as I know.

12 MR. ROTCHE: Okay. So --

13 MR. KAMP: And they -- they've come  
14 up with a plan, and they need to contin -- they  
15 need to do further assessment and monitoring of  
16 those wells too so they can come up with a  
17 further -- some kind of another plan on how they  
18 need -- need to come back into compliance with  
19 their -- their violation notice.

20 MR. ROTCHE: Sure. So given that --  
21 I think you mentioned that you haven't seen some  
22 of the results in some time. Would a condition  
23 on reporting frequency be something the Agency  
24 would be willing to include within the --

1 MR. KAMP: Oh, yeah. They'll --  
2 offhand, I don't remember if they -- if we've  
3 already said something to them. But, yeah,  
4 they're supposed to be doing quarterly, but I  
5 don't remember if we -- where we are on that.  
6 But they're going to have to -- in the future  
7 they're going to have to do it quarterly.

8 MR. ROTCHE: Okay. Thank you.

9 Would that plan be expected to  
10 incorporate any components of the hydrogeologic  
11 assessment plan?

12 MR. KAMP: Well, they plan to do  
13 further assessment looking at the -- and put in  
14 some additional wells also to further assess the  
15 area to determine the extent of impacted  
16 groundwater.

17 MR. ROTCHE: Okay. So another set of  
18 questions deals with seepage at the Lakeside ash  
19 pond, and it's my understanding that there are  
20 seepage problems at the northern embankment of  
21 the ash pond that have been visible over time.  
22 I'm wondering if these problems are ongoing.

23 MR. KAMP: I don't know anything  
24 about it.

1 MR. ROTCHE: Okay. So would remedial  
2 actions on that -- would those be something that  
3 could be expected to be included in this permit?

4 MR. KAMP: My focus -- or I should  
5 say Agency focus is the ash impoundments  
6 themselves and monitoring wells that are  
7 showing -- that are out of compliance. That's my  
8 focus -- is dealing with what's out of compliance  
9 at this time.

10 MR. ROTCHE: Okay. That's fine.  
11 Thank you.

12 Another set of questions deals with  
13 the USEPA final rule on coal combustion waste.  
14 So the final rule was published on April 17th,  
15 meaning that its provisions will become effective  
16 on October 17th of this year.

17 So just to note, the Lakeside ash  
18 pond is unlined and rated by the USEPA as having  
19 significant hazard potential and the Dallman ash  
20 pond is also unlined and also rated as having  
21 significant hazard potential.

22 So one notable component of the rule  
23 states that if unlined units exceed Appendix 4  
24 levels -- and Appendix 4 includes arsenic and

1 chromium as well as a set of other constituents.  
2 If they exceed Appendix 4 levels of any  
3 constituent, the operator must stop placing coal  
4 combustion residuals in the unit within six  
5 months.

6 So within some of the comments we  
7 submitted in our request for a hearing were  
8 results showing exceedances of arsenic at three  
9 ash pond wells as well as chromium exceedances at  
10 one ash pond well and two FGD wells.

11 So I'm wondering if the agency has  
12 any plans to ensure -- or any reason to be able  
13 to ensure that the operator will prevent these  
14 unlined pits from exceeding Appendix 4 levels.

15 MR. KAMP: First of all, we're not  
16 working with the federal regulation at this time.  
17 We're working with the 620 standards --  
18 groundwater standards.

19 MR. ROTCHE: Sure. Is that something  
20 that the agency would be willing to incorporate?  
21 So just to note --

22 MR. KAMP: I'm not going to speculate  
23 on that at this time

24 MR. ROTCHE: Okay. Well, just as a

1 comment, then, the USEPA regulations are  
2 self-implementing which means that the operators  
3 that are storing coal ash generated by utilities  
4 at actively operating facilities will be subject  
5 to a number of reporting requirements and other  
6 study requirements.

7 It seems that, since a number of  
8 those documents and reporting will be generated  
9 regardless -- for example, the operator will be  
10 required to prepare a fugitive dust control plan  
11 in six months and a subsequent report in 14  
12 months and to establish a groundwater monitoring  
13 system -- since those things will be required  
14 anyways, it seems it would be prudent for the  
15 Agency to potentially just add a requirement  
16 requiring CWLP to submit those results to the  
17 Illinois EPA.

18 So those will be -- those will be  
19 reported onto a public website, but I'm wondering  
20 if there would be any value in --

21 HEARING OFFICER STUDER: Are these  
22 dry ash? What I'm asking is whether or not this  
23 pertains to the water discharges.

24 MR. ROTCHE: This relates to ash



1 impoundments at the site which have water  
2 discharges that are accounted for in this permit  
3 as well as groundwater that's impacted by the  
4 permit.

5 MS. OLSON: It's my understanding  
6 that this -- that is a solid waste disposal rule  
7 that USEPA has regulated. That is outside the  
8 scope of this NPDES permit. So I'm not sure if  
9 we can -- we can answer those questions for you  
10 tonight. You are exactly right -- that is a  
11 self-implementing regulation. We have not made,  
12 you know, any sort of decision about the Agency's  
13 actions on that rule and how it will be  
14 implemented by the utilities.

15 MR. ROTCHE: Sure. Yeah. So just to  
16 clarify, while it is a rule under RCRA, there is  
17 data that would be relevant for this --

18 HEARING OFFICER STUDER: The issue is  
19 whether or not it has relevance in the context of  
20 an NPDES permit. Solid waste doesn't necessarily  
21 have relevance in an NPDES permit. That's the  
22 issue that was talked about by the attorney a few  
23 moments ago.

24 MR. ROTCHE: Sure. Well, I would

1 just encourage the Agency to potentially look at  
2 that more and consider if that data would be  
3 relevant and potentially respond to the relevance  
4 of some of that data within the responsiveness  
5 summary.

6 Another set of questions I have deals  
7 with the stability of the ash impoundments, if I  
8 can ask those here.

9 So I notice that mapping by the  
10 Illinois Geologic Survey shows that the Dallman  
11 ash pit is located directly over underground coal  
12 mine voids and also that both ash pits are over  
13 an underground mine proximity region. Moreover,  
14 the Illinois EPA's RMMS, the mapping service,  
15 shows that the ash pits are in the 100-year  
16 floodplain.

17 So I'm wondering if the Agency has  
18 any concerns about the stability of the ash pits  
19 at this site.

20 MS. OLSON: Those stability concerns  
21 that you're raising are dealt with by the  
22 Illinois Department of Natural Resources. This  
23 NPDES permit does not deal with stability of the  
24 ash ponds.

1 MR. ROTCHE: Are any of those  
2 results -- whether they're due to frequent or  
3 infrequent, actually, inspecting by IDNR -- would  
4 those be submitted and considered by the Agency  
5 since they might have some relevance in the  
6 context of groundwater contamination?

7 MS. OLSON: Submitted by who?

8 MR. ROTCHE: Is there correspondence,  
9 I'm guessing, between the Agency and the  
10 Department?

11 MS. OLSON: I don't know if we have  
12 somebody here that can answer that tonight. I'm  
13 not sure.

14 HEARING OFFICER STUDER: You're  
15 getting into stability issues which are outside  
16 of our purview. So they're not really relevant  
17 in the context of an NPDES permit.

18 MR. ROTCHE: Sure. Okay.

19 I think that is all I have at this  
20 moment. So thank you for your time tonight. I  
21 appreciate the opportunity to ask questions.

22 HEARING OFFICER STUDER: Sure. Thank  
23 you.

24 MR. HANRAHAN: I can say my name for

1       you.

2                   HEARING OFFICER STUDER:   Yeah.   I  
3       think I butchered it, probably.

4                   MR. HANRAHAN:   It's Donald Hanrahan.  
5       Thank you for allowing me to talk tonight.

6                   COURT REPORTER:   Spell it, please.  
7       Hanrahan -- spell it.

8                   MR. HANRAHAN:   Yes.   H-a-n-r-a-h-a-n.

9                   I was born and raised in Springfield.  
10       At the age of 13 my family moved to Forest Park  
11       Hills.   For those who don't know, that's the  
12       first subdivision east of Spaulding Dam.   It was  
13       populated with a dozen teenage boys my age.   We  
14       found our way across Farmer Graham's field back  
15       to Sugar Creek.   I went away to school, went away  
16       to law school, came back, and decided -- in  
17       retrospect, stupidly -- to take a walk back to  
18       the beautiful place that I knew as Sugar Creek  
19       that was lined with four-foot sycamore trees  
20       stretching out over the water and deep pools  
21       where you could drop a line and pull out a  
22       catfish in the summertime.

23                   What I found was disgusting:   A huge,  
24       immense coal pit, ash pit, had been constructed

1 on the site where we used to play. Ruined.  
2 Destroyed. They try to block it from your view.  
3 You can't see it well from the highway. You  
4 can't see it behind the ugly concrete bunker that  
5 they built across the dam. But you can see it if  
6 you go up to the pool deck of the Crown Plaza  
7 Hotel and look, and you'll see what engineers  
8 think is pretty.

9 So I'm very concerned. Having seen  
10 that as a young man, I'm very concerned about  
11 water quality in Sugar Creek. I always have  
12 been. And I appreciate the efforts of CWLP as a  
13 leader, but I think CWLP can do better, and I  
14 think the EPA can do better. The "P" is for  
15 protection, not permitting. And it's a fact that  
16 CWLP and the EPA have allowed violation of the  
17 boron standard in Sugar Creek for years.

18 So my first question is how many more  
19 years or decades is the EPA going to permit CWLP  
20 to dump boron into Sugar Creek at levels that  
21 exceed the standards of the Clean Water Act?

22 It's my understanding in the past  
23 that was justified because it's a short distance  
24 from the ash pits to the Sangamon River. Once

1 the boron gets in the Sangamon River, it mixes  
2 with the water there, and so the -- it's not in  
3 violation of the standard anymore. To me that's  
4 like saying, if you dump garbage in the Sangamon  
5 River, it's okay because, when it gets to the  
6 Illinois, it's diluted. If you dump garbage in  
7 the Illinois, it's okay because, when it gets to  
8 the Mississippi, it's diluted. If you dump  
9 garbage in the Mississippi, it's okay because it  
10 goes into the dead zone in the Gulf of Mexico.  
11 It's not okay.

12 If the goal is to use the best  
13 practices, Dallman 4 might be a good example to  
14 follow. It uses dry ash handling. CWLP has two  
15 ancient coal-fired plants that their own  
16 engineering study by Burns McDonnell and an  
17 independent study said CWLP should look at  
18 retiring those plants or converting them to gas.  
19 Instead, they're proposing to continue wet ash  
20 handling, and in this permitting process, this  
21 would be the ideal time to put the pressure on a  
22 polluter to end wet ash handling. Dry ash  
23 handling is the standard. It is the best  
24 available practice.

1 By doing this, not only do we end the  
2 necessity of adding to the ash pits, dumping  
3 boron down Sugar Creek, we also free up 7 million  
4 gallons of water a day when this agency is  
5 considering a permit to build another dam because  
6 they say they don't have enough water.

7 What plans does EPA have to phase out  
8 wet ash impoundment and clean up the ugly mess  
9 that these pits have made right next to our  
10 drinking water source?

11 Is there -- and, you know, the  
12 previous speaker was asking about monitoring. My  
13 question is why is a future plan of monitoring  
14 something that's not being put into this -- a  
15 requirement of this permit? Why is there not a  
16 requirement in this permit for third-party  
17 monitoring of the ash pits and the discharges?

18 I also would like to know what  
19 financial assurances are being required under  
20 this permit to protect Springfield and downstream  
21 communities in the event of a breach of the ash  
22 pits. And if you're not going to force now or in  
23 the future a change to dry ash handling, is there  
24 a plan in any -- in this permit process or in any

1 other to require lining the ash pits? And, if  
2 so, when?

3 And why is there no goal established  
4 in this permit process to require lined ash pits  
5 if you're going to still allow wet ash handling  
6 into the indefinite future?

7 Now is the time for the Illinois  
8 Environmental Protection Agency to force  
9 compliance with the boron standards, to end wet  
10 ash handling, and to require dry ash handling so  
11 that all of these problems go away in the future,  
12 and we can close these ash pits and get rid of  
13 them.

14 Thank you.

15 HEARING OFFICER STUDER: Thank you.

16 Jerry Bauer, and he'll be followed by  
17 Cindy Skrukud.

18 MR. BAUER: Hello. My name is Jerry  
19 Bauer. That's B-a-u-e-r. Like to thank you for  
20 opening up and giving the community an  
21 opportunity to ask important questions about  
22 something that's very important -- water, health,  
23 recreation, environmental protection.

24 My main concern is, once again, about



1 the coal ash pits and --

2 HEARING OFFICER STUDER: Can you  
3 lower the mic just a little bit just to make  
4 sure --

5 MR. BAUER: Is that better?

6 HEARING OFFICER STUDER: Yeah.

7 MR. BAUER: Okay. Thank you.

8 My main concern is about the wet coal  
9 ash pits, and just very generally, as a resident  
10 of Springfield and as somebody who -- you know,  
11 this is our drinking water source. This is also  
12 a great source of recreation. Though I don't  
13 live on the lake, I do have friends who live on  
14 the lake and are in it and on it every weekend.  
15 You know, as the summer -- the warm weather is  
16 coming, they're going to be in it a lot more.

17 And I do -- am concerned, like a lot  
18 of the concern that's been expressed by a lot of  
19 other community members here, about the proximity  
20 of the wet ash -- the wet ash pits and the  
21 dangerous heavy metals that are in the wet ash  
22 pits -- arsenic, boron, cadmium, chromium, iron,  
23 lead, manganese. I'm concerned about all those  
24 heavy metals and the health problems that those

1 can have for the community and just urge the IEPA  
2 to not -- not let this permit go forward without  
3 the very strongest protections for the community,  
4 for the drinking water, and for those who use the  
5 lake otherwise.

6 Thank you very much for your time.

7 HEARING OFFICER STUDER: Thank you,  
8 Mr. Bauer.

9 Cindy Skrukrud. She'll be followed  
10 by Katrina Phillips.

11 MS. SKRUKRUD: So my name is Cindy  
12 Skrukrud. Last name is spelled S-k-r-u-k-r-u-d.  
13 I'm the clean water advocate for the Illinois  
14 Chapter of the Sierra Club. So I'm here, on  
15 behalf of Sierra Club members who live in the  
16 Springfield area, to voice for them our concerns  
17 that we want to make sure that the permit granted  
18 to CWLP is in compliance with the Clean Water  
19 Act, and we want to make sure that it has  
20 safeguards to protect the water quality in Lake  
21 Springfield which is, as everyone knows, the  
22 drinking water source for people in this area,  
23 and as well to protect the water quality in Sugar  
24 Creek.

1                   And so I've got a number of questions  
2           and that I wanted to ask. My first question has  
3           to do with outfalls 2 and 9. In the draft  
4           permit, it talks about that that -- those  
5           discharges consist of -- include condenser  
6           cooling water and Dallman ash pond sluice water.  
7           And so my question is, is that sluice water,  
8           water that's been in contact with coal ash?

9                   MS. TSAI: Yes. The answer is yes.

10                  MS. SKRUKRUD: Yes. Okay. So then I  
11           appreciate that this draft permit includes  
12           monitoring for mercury at outfalls 4, 5, 6, and  
13           7. But then I wonder why, if outfalls 2 and 9  
14           also are in contact with coal ash, why there's no  
15           mercury monitoring and limits required for those  
16           outfalls.

17                  MS. TSAI: Well, CWLP -- they treat  
18           ash pond water and discharge for the intake  
19           cooling water and pump that and use it for the  
20           condenser water to discharge outfall 02 and 09,  
21           and then in the permit we already ask for the  
22           sampling at outfall 06. So they already --  
23           sample that already.

24                  MS. SKRUKRUD: You're saying that it

1 already goes to outfall 006 before it goes to  
2 outfalls 2 and 9?

3 MR. MOSHER: We said before the  
4 discharge of water that contacts coal ash is 004,  
5 and there are other outfalls, Cindy, that you're  
6 talking about right now that -- that may have  
7 some lesser contact with ash, and I think what we  
8 need to do in the responsiveness summary is  
9 explain in some detail just what all these  
10 outfalls really -- how much ash they're really  
11 contacting and give a good explanation of that.  
12 We'll do that in the responsiveness summary.

13 MS. SKRUKRUD: Okay. Thank you.  
14 That would be helpful.

15 And then I wanted to just ask about  
16 the -- the dis -- the discharge from outfalls 4  
17 and 6. I understand it includes fly ash, bottom  
18 ash. It also says scrubber sludge disposal site  
19 wastewater. I was wondering is that flue gas  
20 desulfurization waste? Is that a part of what  
21 goes -- goes to the ash ponds?

22 MR. MOSHER: There's an emissions  
23 control wastewater, and there's a treatment to  
24 that. Some of that emissions control wastewater

1 is sent to the Springfield Metro Sanitary  
2 District.

3 MS. SKRUKRUD: Okay.

4 MR. MOSHER: Again, I think, to  
5 answer your question in the detail that you want,  
6 we got to -- we're going to have to go back and  
7 do that at the office.

8 MS. SKRUKRUD: Okay. Thank you.

9 And I think Andrew already raised  
10 this issue, and I know you said that you would  
11 address it -- the issues of flows -- but I  
12 noticed in Shu-Mei Tsai's -- your 10-17 --  
13 October 17, 2014, 15-day review, that there were  
14 comments that CWLP had made about the flows at  
15 the -- at various outfalls, outfall 4 and 5 and  
16 6, and the numbers are all over the place. And  
17 so it kind of seems like they raised issues and  
18 then maybe you resolved them with a different  
19 number.

20 So I just think it would be helpful  
21 for us to -- to really understand, you know, is  
22 everybody happy with the flow numbers that are in  
23 the draft permit, and do they accurately reflect  
24 the flows at each of these outfalls.

1 I wanted to then ask about special  
2 condition 18, which is the semiannual monitoring  
3 requirements, and I've read the USEPA guidance on  
4 what pollutants are expected in coal combustion  
5 residual waste in coal ash. And there are a  
6 number of pollutants that you have not included  
7 in special condition 18 that they say are  
8 typically found in coal ash. Those include  
9 aluminum, thorium, nitrate, and nitrite. And I  
10 just wondered did you con -- why haven't those  
11 been included in the semiannual monitoring?

12 MR. MOSHER: One reason, at least, is  
13 that there are no water quality standards  
14 applicable to those substances in those discharge  
15 locations. So from a water quality standards  
16 perspective, it doesn't do any good to make them  
17 monitor.

18 Now, there may be another reason, and  
19 if we think of it now, we'll tell you, but if we  
20 don't, we'll tell you in the responsiveness  
21 summary.

22 MS. SKRUKRUD: So I can understand  
23 that for aluminum and thorium, but  
24 nitrate/nitrite -- that's -- certainly there's

1 a -- got to be a concern about the levels of that  
2 in Lake Springfield because of blue baby  
3 syndrome.

4 MR. MOSHER: Yeah. If -- if the  
5 discharge is going to Lake Springfield and if our  
6 staff believes that there could be a significant  
7 level of a pollutant, then we should have a  
8 monitor for it. But if the opposite is true, if  
9 we don't believe it's possible to get significant  
10 levels at all, then we don't; but we'll go over  
11 it and --

12 MS. SKRUKRUD: Yeah. I understand  
13 that. I just was, yeah, asking if you made the  
14 evaluation.

15 So then -- then I know there's a long  
16 record here because you haven't issued this --  
17 reissued this permit since 2001. And so I was  
18 trying to understand what kind of reasonable  
19 potential analysis you've done for water  
20 quality-based effluent limits. So I've gone  
21 back, and I found -- I found an evaluation that  
22 Bob did in October 2006 that calls for -- that  
23 called for monitoring of hexavalent chromium at  
24 outfall 4 and limits for nickel, which aren't in

1 the draft permit, and then at outfall 5 also  
2 called for monitoring of hexavalent chromium,  
3 boron, and limits on copper that aren't in the  
4 draft permit.

5 Now, maybe I'm not seeing the latest  
6 information, but I wanted to raise that issue.

7 MR. MOSHER: Yeah. You're right  
8 about the last water quality-based effluent limit  
9 evaluation was in 2006, and we did note elevated  
10 nickel levels in ash pond 004 effluent. That  
11 data is now very old, and there are sometimes  
12 advances in laboratory technique and whatnot, and  
13 we do need to go back.

14 It was -- the limits that you spoke  
15 of in monitoring conditions were left out of the  
16 permit, I think, in error, but we might just want  
17 to ask CWLP to go do some more monitoring and get  
18 some up-to-date data and then make that decision,  
19 do our reasonable potential analysis. We'll have  
20 to talk about that. I can't commit to that  
21 tonight, but we'll -- you're very -- very right  
22 that the water quality-based effluent limit  
23 evaluation was not -- is not reflected in this  
24 permit, and it should be.



1 MS. SKRUKRUD: Okay. Thank you.

2 Well, then, I would simply raise the issue too  
3 that, you know, in reading -- in reading your  
4 memo, for example, there is, for a substance like  
5 cadmium, the -- you know, you look at the number  
6 of samples, you multiply by the factor, and you  
7 come up with the 95th percent potential number.

8 And so for cadmium that number is  
9 greater than the chronic standard, and then -- it  
10 looks to me like then you say that the average of  
11 cadmium in the effluent is well below the chronic  
12 standard. Therefore, no reasonable potential  
13 exists to exceed either the acute or chronic  
14 standard.

15 Is that still IEPA's practice of how  
16 you evaluate a reasonable potential?

17 MR. MOSHER: Yes, it is. The table  
18 you're referring to in my October 26, 2006, memo,  
19 the second column is "Maximum effluent  
20 concentration." So out of 35 cadmium samples,  
21 the highest one was 0.0032 milligrams per liter.  
22 And there is no reasonable potential to exceed  
23 the acute standard. So we're okay there.

24 MS. SKRUKRUD: Yep.

1 MR. MOSHER: But we don't want to use  
2 a maximum single effluent concentration to  
3 compare to the chronic water quality standard.  
4 So we use monthly averages where they're  
5 available. If they're not available, we use the  
6 overall average of the cadmium values, and that  
7 average, times the multiplier for reasonable  
8 potential, leads to the conclusion that there's  
9 no reasonable potential to exceed the chronic  
10 standard either. So --

11 MS. SKRUKRUD: Okay.

12 MR. MOSHER: -- we do both. We  
13 evaluate both acute and chronic standards.

14 And the way it's set up is you -- you  
15 have the footnote. Under "Further analysis,"  
16 when it says "Yes," that means, okay, there's  
17 something to say about the acute or the chronic  
18 that we explain outside that table in the memo.

19 MS. SKRUKRUD: Okay. Okay. Thank  
20 you.

21 HEARING OFFICER STUDER: How many  
22 more questions do you have along this line,  
23 Cindy?

24 MS. SKRUKRUD: I think I have -- I

1 have two more questions.

2 HEARING OFFICER STUDER: Okay. Yeah.

3 We've still got three people that need to speak.

4 MS. SKRUKRUD: Okay. Well, I can  
5 come back later.

6 HEARING OFFICER STUDER: If there's  
7 just two, I think we can at least get them on the  
8 record and try to get a response to you here real  
9 quick, if you have them.

10 MS. SKRUKRUD: Okay. So my two --  
11 last two questions are has Illinois EPA made a  
12 best professional judgment on determining  
13 technology-based effluent limits for discharges  
14 that have been in contact with coal ash?

15 MR. MOSHER: Cindy, that's a policy  
16 question, and we'll get together with Agency  
17 management and give you an answer in the  
18 responsiveness summary.

19 MS. SKRUKRUD: Okay. And then I  
20 have -- a similar question is have you made  
21 any -- has the Agency been -- made any best  
22 professional judgment to require dry ash handling  
23 at CWLP for those units that are currently using  
24 wet ash handling?

1 MR. MOSHER: Yeah. That's another  
2 policy question; so --

3 MS. SKRUKRUD: Okay.

4 MR. MOSHER: We'll be very busy  
5 answering these.

6 MS. SKRUKRUD: Thank you. Thank you  
7 all very much.

8 HEARING OFFICER STUDER: Thank you,  
9 Cindy.

10 Katrina Phillips, and she'll be  
11 followed by Megan Golden.

12 MS. PHILLIPS: Hi. I'm Katrina  
13 Phillips. Katrina with a "K." Phillips,  
14 P-h-i-l-l-i-p-s. and I'm also here with the  
15 Illinois Chapter of the Sierra Club. I'm their  
16 clean water organizer; and, as Cindy said, I'm  
17 here on behalf of our members who live in and  
18 around Springfield who depend on Lake Springfield  
19 for their drinking water source and to depend on  
20 both Lake Springfield and Sugar Creek for their  
21 recreational and wildlife values.

22 And so the questions that I have for  
23 you tonight are mostly focused on thermal  
24 pollution dis -- the thermal discharge and also

1 impingement and entrainment issues.

2 So my first question is when were any  
3 thermal studies last completed for this facility?

4 MS. OLSON: It seems like we might  
5 have to get back to you, but there was a board  
6 proceeding in 1978. I believe they did a thermal  
7 demonstration at that point. Whether or not  
8 they've done one since then, I don't know, and  
9 we'll get back to you.

10 MS. PHILLIPS: Okay. And my other  
11 question is why is the plant not required to use  
12 closed-cycle cooling or its equivalent to meet  
13 the best technology available requirement to  
14 reduce thermal pollution from the plant?

15 MS. OLSON: We'll get back to you on  
16 that one as well.

17 MS. PHILLIPS: Okay. The third  
18 question on thermal is why have technology-based  
19 effluent limits for thermal discharges not been  
20 established as required by the Clean Water Act,  
21 Section 301(b)? Which I'm guessing is a policy  
22 question.

23 MS. OLSON: We'll get back to you.

24 MS. PHILLIPS: Okay. Also, has CWLP

1 demonstrated that its effluent will not exceed  
2 limits necessary to protect and propagate a  
3 balanced indigenous population of shellfish,  
4 fish, and wildlife in and on Lake Springfield and  
5 Sugar Creek?

6 MS. OLSON: If you just want to go  
7 through your thermal questions, we'll address  
8 them in the responsiveness summary.

9 MS. PHILLIPS: Okay. Thank you.

10 My final thermal question is under  
11 what authority has the Agency continued the  
12 thermal variance granted to CWLP 37 years ago  
13 until this day without new or current studies?

14 Okay. And then I just have a few  
15 questions on impingement and entrainment issues.

16 The first to be the EPA final rule  
17 under 316(b) states that mesh of three-eighths-of-  
18 an-inch size does not prevent entrainment and  
19 without any other precautions can lead to high  
20 mortality of impinged fish. What other  
21 precautions are being taken to reduce fish  
22 mortality?

23 MS. TSAI: Right now Agency doesn't  
24 have any new data or recent data about

1       impingement or entrainment, but in the permit we  
2       already require to have submit --

3               COURT REPORTER: I'm sorry. I lost  
4       you. In the permit --

5               MS. TSAI: In the permit we already  
6       request CWLP submit a study to Agency. Then we  
7       will do an evaluation in the future.

8               MS. PHILLIPS: Okay. And that was  
9       actually another question. In the permit it says  
10      that CWLP is given four more years to submit  
11      additional information on impingement and  
12      entrainment, and I was wondering why the Agency  
13      did not ask for this information earlier in order  
14      to form a proper best professional judgment  
15      determination regarding the best technology  
16      available to minimize impingement and  
17      entrainment.

18              MS. TSAI: Well, the new rule just  
19      come out. We had -- you know, in August 15,  
20      2014, the day I remember. So that's why we  
21      require they submit a new --

22              COURT REPORTER: I'm sorry. I can't  
23      hear you.

24              MS. TSAI: Okay. Well, the new

1 federal regulation just publish in August 15,  
2 2014, and this permit -- that's why we request  
3 they have to meet the new rule and submit a new  
4 data to Agency, and we can do the evaluation.

5 MS. PHILLIPS: Thank you. And then  
6 another question: The facility currently uses a  
7 once-through cooling intake system which leads to  
8 the impingement and entrainment of a significant  
9 number of aquatic organisms. How does this meet  
10 the equivalent of best technology available in  
11 accordance with best professional judgment  
12 provisions?

13 MR. MOSHER: That's another question  
14 we'll have to get together.

15 Since this is a public hearing and  
16 we're using these words "impingement" and  
17 "entrainment," entrainment means drawing in  
18 aquatic life past the bar screens, through the  
19 plant, through the cooling system of the plant,  
20 and these -- these are small organisms. It can  
21 be fish fry, other very small organisms in the  
22 lake. Whereas impingement means adult fish or  
23 larger fish being sucked in the intake and  
24 trapped on the bar screens and possibly killed.



1                   And these are serious things, and the  
2       regulations from USEPA have been evolving  
3       recently. One of your questions was, well, why  
4       haven't you required these studies? Well, the  
5       last permit was issued in 2001, long before USEPA  
6       has updated its requirements. So this permit  
7       requires CWLP to provide us with the information  
8       we need.

9                   And all this sounds scary, but Lake  
10      Springfield does very well in its fishery. It  
11      has good fish populations. The locals every --  
12      every spring or summer the local newspaper prints  
13      our district fish biologist's survey report --  
14      Dan Stephenson with IDNR. The lake is doing very  
15      well in its fish population.

16                  I'm not minimizing what -- your  
17      questions about impingement/entrainment, but  
18      we've got an audience here, and I think reality  
19      needs to be expressed.

20                  Impingement/entrainment -- yeah, it's  
21      going on. We need to have all our power plants  
22      do what the USEPA requires them to do. But, on  
23      the other hand, we can step back and look and see  
24      the fish in Lake Springfield are doing very well.

1       So just -- not trying to answer your questions,  
2       but just trying to clear things up for the  
3       audience.

4                   MS. PHILLIPS: Yeah. Okay. And then  
5       my only other question on that would be, in the  
6       studies that you require the facility to do on  
7       impingement/entrainment, would this include  
8       having them take a look at what it would take to  
9       reduce impingement/entrainment by at least 95  
10      percent or the equivalent of closed-cycle  
11      cooling?

12                  MR. MOSHER: Another policy question.  
13      We'll answer it later.

14                  MS. PHILLIPS: Okay. Thank you so  
15      much. Thank you for having this hearing and  
16      answering our questions.

17                  HEARING OFFICER STUDER: Thank you,  
18      Ms. Phillips.

19                  Megan Golden, and she'll followed by  
20      Angel Sides.

21                  UNIDENTIFIED: Unfortunately, Megan  
22      had to go.

23                  HEARING OFFICER STUDER: Megan is  
24      gone?

1 UNIDENTIFIED: She had to leave,  
2 yeah.

3 HEARING OFFICER STUDER: Okay.  
4 Angel Sides?

5 MS. SIDES: Yeah. My name is Angel,  
6 like the angel in heaven, and Sides. That's like  
7 two sides of a coin.

8 And I work with a lady locally --

9 HEARING OFFICER STUDER: Can you  
10 spell your last name for the record, please?

11 MS. SIDES: Yeah. S-i-d-e-s, like  
12 two sides of a coin.

13 HEARING OFFICER STUDER: Thank you.

14 MS. SIDES: You're welcome.

15 -- and she happened to have the same  
16 doctor that I go to, a wellness doctor in  
17 Decatur. And she said she had a special test  
18 done that shown that she has sulfur and mercury  
19 in her blood. And I -- having studied a little  
20 bit about the -- you know, the toxins put out by  
21 coal plants, I knew that was a couple of toxins  
22 that were -- that weren't in her blood. And I  
23 got curious, and I went ahead and did -- had the  
24 same test done since we do have the same doctor

1 in Decatur. And low and behold, I have the same  
2 chemicals in my blood, and that concerns me  
3 because of something I read from Earthjustice and  
4 Physicians for Social Responsibility. In 2010  
5 they link coal ash waste with cancer and nerve  
6 damage.

7 And I guess my question is has  
8 there -- has there ever been a study done linking  
9 diseases to proximity of the coal plant? And  
10 maybe, in this case, to Spring Creek here in  
11 Springfield because, you know, the federal  
12 standards don't really mean anything, and  
13 especially with all the big money and politics  
14 right now, what means something is, is this  
15 causing health problems in people.

16 Doesn't anyone know of any study  
17 that's ever been done with the proximity to  
18 disease with the coal plant? And -- and --

19 HEARING OFFICER STUDER: No one on  
20 the panel is aware of a study having been done.

21 MS. SIDES: Yeah. Because there --  
22 you know, there are things, like, they call  
23 cancer clusters.

24 HEARING OFFICER STUDER: I do want to

1        remind everyone here that the issues do have to  
2        relate to the NPDES permit in some way. So we  
3        need to watch what we do. We'll entertain your  
4        question. And if it's out of the scope of what  
5        we can do, we'll let you know. But your  
6        bordering on something that may not be something  
7        that we can address through the NPDES permit.

8                    MS. SIDES: Well, I'm not sure what  
9        all you can do, but you have no -- you can't look  
10       up studies like that, or there haven't ever been  
11       a study.

12                   HEARING OFFICER STUDER: Right. The  
13       hearing and the scope of the hearing deals with  
14       the water discharge permit. So unless the sulfur  
15       or the mercury are really in the water discharge,  
16       it really isn't something that we can address in  
17       the context of a water discharge permit. It  
18       isn't that we're not concerned. It's that it's  
19       out of the scope of this hearing.

20                   MS. SIDES: Is the toxins that get in  
21       the groundwater -- is that something that would  
22       get into --

23                   HEARING OFFICER STUDER: Correct.  
24       Did the doctor give any indication of where this

1       may have been coming from? Or is it just  
2       something that's being speculated on the record  
3       is the point that I'm making.

4                   MS. SIDES: Yeah. Well, I -- I have  
5       yet to see the doctor with the follow-up with  
6       this test. I just recently took it because of,  
7       like I said, I was talking to a co-worker.

8                   But with the toxins in the  
9       groundwater, do they eventually get into the  
10      water table?

11                  HEARING OFFICER STUDER: Yeah. We're  
12      not disagreeing with that. What we're saying is  
13      you need to find some way to relate this to this  
14      NPDES permit, and at this point it doesn't sound  
15      like we have anything that's causative in the  
16      nature -- it isn't that we're unconcerned. It's  
17      just that we may not be able to address it in the  
18      context that we're talking about this evening.  
19      Did I lose you on that? Or do I need to explain  
20      more what the purpose of this hearing is and --

21                  MS. SIDES: I -- I just have a  
22      question. I don't know if you're going to  
23      consider this relative but --

24                  HEARING OFFICER STUDER: Go ahead.

1 Go ahead and ask it. I mean, I'm not trying to  
2 scare you off. Go ahead and ask it, and if it's  
3 outside of the scope, we'll let you know

4 MS. SIDES: Well, that's -- it's --  
5 you know, that's kind of a matter of opinion  
6 whether it's outside the scope. I'm sure it will  
7 be.

8 But are there -- are there bag houses  
9 in the smokestacks? Bag houses.

10 HEARING OFFICER STUDER: A bag house  
11 has to do with air pollution control.

12 MS. SIDES: I know.

13 HEARING OFFICER STUDER: Okay.

14 MS. SIDES: Yeah. I'm aware of that.  
15 I was -- is there --

16 HEARING OFFICER STUDER: Yeah. We  
17 have no one here from air pollution control at  
18 this hearing, and I'm not going to start going  
19 into air control issues in a water permit,  
20 especially when I announced at the very beginning  
21 we wouldn't be discussing that this evening.

22 MS. SIDES: Yeah. Well, I'm -- I'm  
23 just concerned for my health and other people I  
24 know and -- and, also, you know, it just seems

1       like regulations don't mean much if it doesn't  
2       protect someone's health. And, further, it just  
3       seems like we're dealing with the symptoms rather  
4       than the disease. What we really need is  
5       alternative energy.

6                     Thank you.

7                     HEARING OFFICER STUDER: Thank you.  
8       We'd be happy to talk with you after the hearing  
9       so that we could go -- maybe go into some other  
10      avenues that would be available, but I don't  
11      think it's appropriate to go through it in the  
12      context of an NPDES permit, but there may be  
13      other options and avenues that would be  
14      available.

15                    Okay. We've gone through the hearing  
16      cards. Is there anyone here in the room that has  
17      not spoken this evening that has registered and  
18      would like to speak?

19                    (No response.)

20                    HEARING OFFICER STUDER: Okay. Let  
21      the record -- okay.

22                    MR. JOHNSRUD: I registered, but I  
23      didn't indicate --

24                    HEARING OFFICER STUDER: Okay. If



1       you're going to speak, you need to come forward  
2       to the mic, state your name, and spell your last  
3       name for the record, please.

4               MR. JOHNSRUD: My name is Bryan.  
5       That's B-r-y-a-n. Last name is Johnsrud. That's  
6       J-o-h-n-s-r-u-d. I did fill out a card, but I  
7       did not indicate that I was going to ask any  
8       questions. I am planning on following up with  
9       some written comments, but I had a couple  
10      comments that I think would -- might be  
11      appropriate to think about at this point.

12             One of the things that was mentioned  
13      about the last permit -- I just think it would be  
14      helpful to -- for the record to show, you know,  
15      how long a permit -- what's the duration of a  
16      permit, of an NPDES permit, and how frequently it  
17      needs to be renewed.

18             There seemed to be a comment that it  
19      was last issued in 2001, and that doesn't seem to  
20      be normal practice. If there's a -- you want to  
21      respond to that now or you can wait in your  
22      written summary.

23             MS. OLSON: NPDES permits are valid  
24      for five years. However, if you apply for

1 renewal 180 days before the expiration date of  
2 that permit, you have something called an  
3 administrative continuance that lasts until that  
4 permit is reissued.

5 I don't -- I don't have the date of  
6 CWLP's renewal request, but I'm assuming in this  
7 case that they submitted their renewal request  
8 within that time frame. And they timely renewed,  
9 and that's why this permit -- they have been  
10 operating under their old permit since it  
11 expired -- legally -- and hopefully we get this  
12 permit out sooner rather than later.

13 MR. JOHNSRUD: So it would be fair to  
14 say that the Illinois EPA has had some problems  
15 with renewing that permit even though CWLP had  
16 applied for renewal in some timely manner?

17 HEARING OFFICER STUDER: I'm not  
18 going to speculate as to what those issues were.  
19 I don't know for sure, but it is something that  
20 we can go into in a little more detail in the  
21 responsiveness summary in writing and would be  
22 happy to do so.

23 MR. JOHNSRUD: Okay. I just had the  
24 comment -- a lot of the comments have been

1 talking about what they propose to do and some  
2 real speculative things as far as, you know, what  
3 will happen with this and that and studies. I  
4 think it's important to note that we -- they have  
5 exceeded various either advisory -- health  
6 advisories or permit conditions or groundwater  
7 standards or something in a multitude of  
8 contaminants as part of their past discharges.

9 And so I think it -- I would  
10 recommend that the Illinois EPA impose monitoring  
11 requirements on all the outfalls, particularly  
12 those that have been in contact with the ash or  
13 waste material, that the -- at least the  
14 parameters of arsenic, boron, chromium, iron,  
15 lead, and manganese be imposed upon those  
16 discharges at outfalls related to those.

17 I always understood that the EPA --  
18 maybe not just the Illinois EPA but possibly  
19 USEPA -- something to the effect that dilution is  
20 not a solution, but yet we seem to be following  
21 that practice with this particular source, this  
22 particular permit. I think the real issue here  
23 is that -- is performance. And regardless of  
24 what we speculate will happen in the future, what

1 has happened already is that we have in Sugar  
2 Creek impaired waters at least from the beginning  
3 of Sugar Creek as at the exit of the dam from the  
4 Lake Springfield to the South Fork of the  
5 Sangamon River. That is impaired specifically  
6 with respect to boron. I would be interested in  
7 knowing what your best estimate is or judgment is  
8 for the source of that boron, and I would also  
9 say that it is most likely due to power plant  
10 operations, specifically the ash that is being  
11 stored in the Sugar Creek watershed.

12 Therefore, my concern is not so much  
13 what we're doing specifically in the future with  
14 respect to the discharge but what specifically is  
15 the Illinois EPA doing and requiring for that  
16 portion of Sugar Creek that has been impacted up  
17 to this point.

18 And with that, I will submit any  
19 further comments in writing. Thank you.

20 HEARING OFFICER STUDER: Thank you.

21 Is there anyone else that has not  
22 spoken this evening that would like to make a  
23 comment on the record?

24 (No response.)

1 HEARING OFFICERS STUDER: Okay. We  
2 have now gone for two hours. And I know there  
3 was a number of people that still had additional  
4 issues. If you have already spoken but have an  
5 additional comment that you would like to make or  
6 a question that you would like to ask on the  
7 record, I'm going to ask that you raise your  
8 hand.

9 Okay. We got one, two.

10 Okay. Sir, if you'd come forward to  
11 the mic. I'm going to limit the time on these to  
12 no longer than three minutes, and if you ask a  
13 question, we may or may not be answering it on  
14 the record, but it will be in the record, and  
15 we'll be providing a response in the  
16 responsiveness summary.

17 MR. GARNER: Thank you.

18 COURT REPORTER: I need your name  
19 again.

20 MR. GARNER: Heath Garner,  
21 G-a-r-n-e-r.

22 Bacterial growth has a strong  
23 positive correlation to temperature based on the  
24 Journal of Microbial Ecology. With this strong

1 positive correlation, I find it important that a  
2 study to help clarify the effects on this public  
3 body of water that the people use and expose  
4 children to be looked into.

5 Posted May 20, 2010, in the  
6 State-Journal Register, in an article shared by  
7 CWLP, E. coli can be an indicator of other  
8 harmful bacteria. Certainly the discharge from  
9 CWLP is affecting this. And it would be CWLP or  
10 the IEPA's responsibility to decrease CWLP's  
11 effects on these issues, and I believe that's why  
12 it would be important that a study be conducted  
13 by CWLP or the IEPA.

14 Thank you.

15 HEARING OFFICER STUDER: Thank you,  
16 Mr. Garner.

17 Cindy.

18 MS. SKRUKRUD: So since Carl Kamp is  
19 here from the groundwater division, I just -- and  
20 we all are aware that the mon -- there's been  
21 monitoring going on -- groundwater monitoring  
22 around the coal ash ponds at the CWLP site and  
23 that there's been elevated levels of pollutants  
24 above various recommended standards detected in

1       those wells.

2                   I just wondered if you could tell --  
3       explain to us kind of where the Agency is at in  
4       terms of that monitoring program and working with  
5       CWLP to protect those -- protect those waters and  
6       reduce that contamination.

7                   MR. KAMP: CWLP was given a violation  
8       notice, and they have responded with a plan on  
9       how to mitigate the problem. Well, they have --  
10      they have a -- their plan basically talks about  
11      doing further studies of the groundwater and such  
12      and putting in possibly more wells and such and  
13      then they'd come up with remedies.

14                  At this time, though, we're still  
15      reviewing that information, and that's all I can  
16      tell you.

17                  MS. SKRUKRUD: Okay. Thanks. I just  
18      wanted that kind of summary. Thank you.

19                  Thank you.

20                  HEARING OFFICER STUDER: Thank you,  
21      Cindy.

22                  I remind everyone that the hearing  
23      record in this matter is open -- or the -- excuse  
24      me -- the hearing record will remain open until

1 May 29th and that we will be accepting written  
2 comments as long as they are received at our  
3 Agency by that date or they can be submitted by  
4 e-mail at epa.publichearingcom@illinois.gov.  
5 That information is in the responsive -- or in  
6 the hearing notice for this hearing tonight.

7 I thank you all for your attendance  
8 this evening, and this hearing is adjourned.

9 (Hearing adjourned at 8:05 P.M.)  
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1 CERTIFICATE OF REPORTER

2

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